

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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NATIONAL CREDIT UNION
ADMINISTRATION BOARD, et al.,

Plaintiffs,

v.

WELLS FARGO BANK, N.A.,

Defendant.

Case No. 14-cv-10067-KPF-SN

ECF Case

STIPULATION AND ORDER MODIFYING SCHEDULE

WHEREAS, on January 18, 2019, Graeme W. Bush, as separate trustee and the National Credit Union Administration Board (together, “NCUA”) served their initial expert reports on Wells Fargo in accordance with the Scheduling Order and Civil Case Management Plan with respect the above-captioned matter [ECF 425] (“Current Scheduling Order”);

WHEREAS, on January 25, 2019, NCUA made certain expert disclosures in accordance with the terms of the Stipulation and Order governing expert discovery in this action [ECF 434];

WHEREAS, on March 20, 2019, NCUA served additional materials and a declaration from its damages expert Christopher J. Milner providing additional disclosures about his damages analysis;

WHEREAS, under the Current Scheduling Order Wells Fargo is required to serve all of its rebuttal expert reports on June 20, 2019;

WHEREAS, the parties have met and conferred in good faith and have agreed on a mutually acceptable modification of the deadlines in the Current Scheduling Order so that Wells

Fargo may have additional time to evaluate and address the additional expert disclosures made by NCUA on March 20 related to Mr. Milner;

IT IS NOW HEREBY STIPULATED AND AGREED AMONG THE PARTIES that, good cause exists to modify the Current Scheduling Order and, therefore, subject to the Court's approval, the Current Scheduling Order shall be amended as follows:

1. Wells Fargo's time to serve any and all rebuttal expert reports related primarily to damages shall be extended until August 1, 2019. For the avoidance of doubt, this shall include the expected rebuttal expert report of Dr. Ethan Cohen-Cole that is expected to address damages and other econometric analysis that bear on various issues.
2. Wells Fargo may serve additional or supplemental expert reports on August 1, 2019 that (1) contain opinions or expert analysis upon which Wells Fargo's damages expert(s) intend to rely or incorporate into their rebuttal analysis, or (2) rely on the opinions of, incorporate the analysis of, or otherwise depend on Wells Fargo's expert rebuttal report(s) directed primarily at damages regardless of whether those additional or supplemental expert reports relate primarily to damages.
3. Wells Fargo shall make a good faith effort to ensure that any expert report served on August 1, 2019 is limited in scope to opinions and analysis that either relate to rebutting Mr. Milner's report, or rely primarily on opinions or analysis contained in any expert rebuttal to Mr. Milner's report.
4. NCUA's time to reply to any of the rebuttal or supplemental expert reports that Wells Fargo serves on August 1, 2019 shall be extended to September 5, 2019.
5. All expert discovery, including depositions, shall be completed by October 4, 2019.

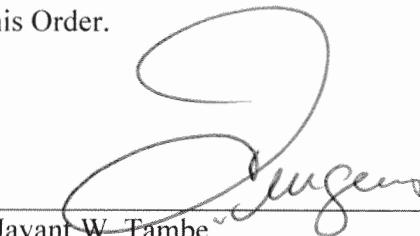
6. All other dates set forth in the Current Scheduling Order, including Wells Fargo's time to serve other expert reports and NCUA's time to reply to rebuttal expert reports served prior to August 1, 2019, shall not be affected by this Order.

DATED: April 12, 2019



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SO ORDERED.

Dated: April 16, 2019
New York, New York



SARAH NETBURN
United States Magistrate Judge